

February 16 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Michael S. Kakuk, Atty.  
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Attorney for Appellant  
MM&I, LLC

IN THE SUPREME COURT OF THE STATE OF MONTANA

\* \* \* \* \*

MM&I, LLC, a Montana Limited Liability Company ) Cause No. \_\_\_\_\_  
)  
)

Appellant,

v.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, a political subdivision of the State of Montana,  
and John Does 1 through 3.  
Appellees

NOTICE OF APPEAL

FILED

FEB 16 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOTICE is given that MM&I, LLC, the Appellant above-named and who is the Plaintiff in that cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DV-03-471, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 16<sup>th</sup> day of December, 2009.

1 Notice of Entry of Judgment was filed on the 17<sup>th</sup> day of December, 2009.

2 **THE APPELLANT FURTHER CERTIFIES:**

- 3
- 4 1. That this appeal is subject to the mediation process required by
- 5 M.R.App.P. 7.
- 6
- 7 2. That this appeal is not an appeal from an order certified as final under
- 8 M.R.Civ.P. 54(b).
- 9
- 10 3. That the notice required by M.R.App.P. 27 has not been sent to the
- 11 Supreme Court or to the Attorney General with respect to a challenge
- 12 to the constitutionality of any act of the Montana Legislature as no
- 13 such challenges have been alleged in this matter.
- 14
- 15 4. That all available transcripts of the proceedings in this cause have
- 16 been ordered from the court reporter contemporaneously with the
- 17 filing of this notice of appeal.
- 18
- 19 5. That included herewith is the filing fee prescribed by statute.
- 20

21 DATED this 12<sup>th</sup> day of February, 2010

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24 Michael S. Kakuk  
25 Attorney for Appellant

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**CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Notice of Appeal upon the clerk of the District Court, each attorney of record and each party not represented by an attorney in the above-referenced District Court action as follows:

JENNIFER L. FARVE, ATTY.  
MOORE, O'CONNELL & REFLING  
P.O. Box 1288  
BOZEMAN, MT 59771-1288

18<sup>TH</sup> JUDICIAL DISTRICT  
JENNIFER BRANDON  
615 SOUTH 16TH, ROOM 302  
BOZEMAN, MT 59715-4107



Michael S. Kakuk  
Attorney for Appellant